

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LORENZO CRENSHAW,

No. C 08-05161 CRB

Plaintiff,

ORDER

v.

CITY OF OAKLAND, et al.,

Defendants.

Now pending before the Court is defendant's motion to dismiss and motion to continue scheduling order dates. Plaintiff has filed an opposition to the scheduling order motion but not to the motion to dismiss. After carefully considering the parties' papers the Court concludes that oral argument is unnecessary, see Local Rule 7-1(b), and rules as is set forth below.

Defendant's motion to dismiss the due process claim is GRANTED without leave to amend. Plaintiff did not file an opposition and it appears to the Court that amendment of this claim would be futile.

Defendant's motion to dismiss the equal protection claim and the Monell claim is GRANTED with leave to amend.

Defendant's motion to dismiss the DOE defendants is DENIED without prejudice.

Defendant's motion to continue the scheduling order dates is GRANTED in part and DENIED in part. The parties shall appear for a case management conference at 8:30 a.m. on

1 Friday, February 27, 2009. Counsel for plaintiff is directed to contact defendant's counsel
2 within 24 hours of the filing of this Order to meet and confer on the preparation of a Joint
3 Case Management Conference Statement. The deadline for filing the statement, the Rule
4 26(f) Report and to complete initial disclosures is continued to February 20, 2009.

5 **IT IS SO ORDERED.**

6 Dated: Feb. 12, 2009



7 CHARLES R. BREYER
8 UNITED STATES DISTRICT JUDGE
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